



PATENT
Attorney Docket No. 101.0050-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#24

In re Application of:)

Gary K. Michelson, M.D.)

Serial No.: 08/484,928)

Group Art Unit: 3764

Filed: June 7, 1995)

Examiner: M. Brown

For: FRUSTO-CONICAL INTERBODY)
SPINAL FUSION IMPLANT)

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OFFICE OF PETITIONS

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

**PETITION UNDER 37 C.F.R. § 1.181(a)
FOR WITHDRAWAL OF IMPROPER NOTICE OF ABANDONMENT**

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Applicant respectfully petitions the Commissioner to withdraw this application from abandonment. Applicant received a Notice of Abandonment dated January 29, 2001, due to failure to respond to an Office letter mailed June 6, 2000. Applicant encloses, for the Commissioner's convenience, the following items:

1. A copy of the Reply dated December 5, 2000 in response to the Examiner's rejection dated June 6, 2000 with copies of five Forms PTO-1449 previously submitted;
2. A copy of the Request for Approval of Drawing Changes with 2 copies of 1 sheet red-lined drawings dated December 5, 2000, submitted with the Reply to Office Action above;

3. A copy of the Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 and references cited therein along with translations or abstracts as indicated, submitted with the Reply to Office Action above;

4. A copy of the Amendment Transmittal submitted with the Reply to Office Action above;

5. A copy of the Certificate of Mailing Via U.S. Express Mail Service submitted with the Reply to Office Action above;

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6. A copy of check numbers 1301 and 1302 submitted with the Reply to Office Action above;

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7. A copy of the PTO-stamped postcard receipt for the above items; and

8. Declaration of Thomas H. Martin.

This Petition is being filed within two months from the action complained of pursuant to 37 C.F.R. § 1.181(f), and does not require a fee pursuant to MPEP 711.03(c)(I).

Applicant respectfully requests that the holding of abandonment be withdrawn, and that the Reply dated December 5, 2000 be entered and considered on the merits.


If there are any fees due in connection with the filing of this Petition, please charge the fee to our Deposit Account 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: February 13, 2001

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By: 
Thomas H. Martin
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